

DIVISION OF VOCATIONAL REHABILITATION

GUIDELINES FOR OPERATION OF THE EMPLOYMENT PROGRAM AND DISABILITY PREFERENCES

Revised: November 2011

The Alaska Division of Vocational Rehabilitation (DVR) certifies qualified individuals, organizations and/or businesses to receive the Employment Program and Disability Preference when responding to a State of Alaska solicitation. This packet provides information about the Employment Program and Disability Preference as well as the information needed to apply for certification to the list.

If you have questions after reviewing this packet, please contact our procurement program coordinator at 907-465-6936 or 1-800-478-2815.

Certification:

The Division of Vocational Rehabilitation, within the Department of Labor and Workforce Development, maintains a list of Alaskan: (1) qualifying entities, (2) employers of persons with disabilities, and (3) employment programs which qualify for a State of Alaska procurement preference. As evidence of an individual's, employers' or businesses' right to a certain procurement preference, DVR issues a letter of certification. To take advantage of these procurement preferences, a qualifying entity, employer or business **must be on the appropriate DVR list at the time the bid is opened** and must provide the contracting officer a copy of their Certification Letter with their bid.

DVR Employment Program and Disability Preferences:

There are three categories of procurement preference for which the Division of Vocational Rehabilitation provides certification. These are:

(1.) QUALIFYING ENTITIES

- ✓ A written statement that your business is a sole proprietorship owned by a person with a disability *or* a partnership under former AS 32.05, AS 32.06 or AS 32.11, and each of whom is a person with a disability *or* a limited liability company organized under AS 10.50 and each of the members is a person with a disability *or* a corporation wholly owned by individuals and each is a person with a disability. Please see the definition of a person with a disability at AS 36.30.170(k).
- ✓ Proof of incorporation if a corporation, to include a list of shareholders.
- ✓ Articles of organization if a limited liability company, to include a list of members.
- ✓ Articles of Partnership if a partnership, to include the names of both partners.

AND

- ✓ A copy of the eligibility statement completed by a State of Alaska Vocational Rehabilitation Counselor (for each partner, member of a limited liability company or individual of a corporation).

OR

AT LEAST ONE OF THE FOLLOWING ITEMS:

- ✓ A narrative report from a licensed physician which describes the disability and the functional limitations of the disability (for each partner, member of a limited liability company or individual of a corporation).
- ✓ Similar documentation which provides information about the disabling condition and the functional limitations (for each partner, member of a limited liability company or individual of a corporation).

AND

- ✓ A narrative of the individual's work history *or* a resume showing a complete work history (for each partner, member of a limited liability company or individual of a corporation).

(2.) BUSINESSES EMPLOYING 50% OR MORE INDIVIDUALS WITH DISABILITIES

For EACH employee with a disability (Please see the definition of a person with a disability at AS 36.30.170(k)):

- ✓ A copy of the eligibility statement completed by a State of Alaska Vocational Rehabilitation Counselor.

OR

AT LEAST ONE OF THE FOLLOWING ITEMS:

- ✓ A narrative report from a licensed physician which describes the disability and the functional limitations of the disability.
- ✓ Similar documentation which provides information about the disabling condition and the functional limitations.

AND

- ✓ A copy of the Department of Labor's Quarterly Contribution Report, #07-1004 for the most recent quarter. (This report must be submitted to the Division of Vocational Rehabilitation on a quarterly basis for the duration of the certification period.)
- ✓ A list of the hourly or salary wages paid to every employee of the business.

(3.) EMPLOYMENT PROGRAMS FOR PERSONS WITH DISABILITIES

Please see the definition of an employment program at AS 36.30.990(11).

- ✓ A written statement describing the programs and services provided.

Authority:

Alaska Statute, AS 36.30.170, sets forth the circumstances under which bidders may qualify for certain State of Alaska procurement preferences. An individual, company or program must meet the qualifications for an Alaska bidder as defined in AS 36.30.170(b) in order to receive procurement preference under sections (c), (e) or (f) of AS 36.30.170. Documentation of an "Alaska Bidder" is certified by the contracting officer handling each bid or contract.

Review the enclosed copy of AS 36.30.170 for any additional requirements which must be met to receive a procurement preference.

Notice Regarding Personal Information in Public Records:

Information submitted to DVR to support an application for procurement preference may be included in a public record open to inspection. The information requested below is required in order to process a request for procurement preference. Failure to provide the requested information will result in denial of a procurement preference. The information provided will only be used to make the determination that the entity, business or employment program qualifies for a procurement preference under AS 36.30.170 (c), (e) or (f). The information provided may be subject to inspection and copying under AS 40.25.110, a copy of which is enclosed.

As indicated in AS 40.25.120 (a) (3), medical and related public health records are exempt from public inspection. Additionally, under AS 40.25.120 (a)(4), records required to be kept confidential by a federal law or regulation or by state law are also exempt from public inspection. Information provided from a Division of Vocational Rehabilitation record of services in support of a request for procurement preference is required to be kept confidential by federal law.

Application Process:

1. Complete and submit the application form included with this packet to:

Procurement Preference Certification
Division of Vocational Rehabilitation
801 West Tenth Street, Suite A
Juneau, Alaska 99801-1894

2. Submit a copy of your current Alaska Business License or a copy of your application for an Alaska Business License.

3. Submit the following additional information depending on the classification for which you are requesting certification:

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Upon receipt of this information, the Division of Vocational Rehabilitation will evaluate the request and supporting documentation to determine if the applicant meets the requirements for procurement preference. A letter certifying eligibility for a Procurement Preference will be sent to eligible applicants and their name will be added to the list of qualified bidders maintained by DVR and made available via the Internet (<http://www.labor.alaska.gov/dvr/preflist.pdf>) or on request. ALL certifications expire annually on December 31st and each individual or organization must reapply for certification for the new year or their name will be removed from the list of certified bidders.

It is the responsibility of the individual or organization to ensure the requirements of certification are met throughout the life of the contract and are available for review, upon request.

When submitting your bid, you must enclose a copy of your Certification Letter from the Division.

**APPLICATION FORM
DIVISION OF VOCATIONAL REHABILITATION
PROCUREMENT PREFERENCE UNDER AS 36.30.170 (c), (e), OR (f)**

Business, Proprietor or Facility:

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Contact Person: _____

Email: _____

Procurement preference requested (check *only* one):

1. Qualifying Entity:
 - a. Sole Proprietorship _____
 - b. Partnership _____
 - c. Limited Liability Company _____
 - d. Corporation _____
2. Business Employing Persons with Disabilities _____
3. Employment Program for Persons with Disabilities _____

Authorized Signature

Date

The Division of Vocational Rehabilitation ONLY certifies sections (c), (e) and (f), as outlined in the Procurement Preference Guidelines. See enclosed copy of AS 36.30.170 for more information. See enclosed copy of AS 40.25.110 - 40.25.120 for information concerning public records.

Documentation of an "Alaska Bidder" is certified by the contracting officer handling each bid or contract. An individual, business or program must be an "Alaska Bidder" in order to receive procurement preference as certified by the Division of Vocational Rehabilitation.

Mail application packet to: Procurement Preference Certification
Division of Vocational Rehabilitation
801 West Tenth Street, Suite A
Juneau, AK 99801-1894

Don't forget to attach a copy of your current Alaska Business License!!!

*****IMPORTANT*****

This is not the official version of the Alaska statutes currently in effect. This version may contain errors or omissions and may not contain information that has been inserted or changed after their preparation. This is intended as an informational guide only. The Division of General Services makes no warranty, expressed or implied, of the accuracy of this document. To be certain of the current version, please refer to the official printed version of the Alaska statutes.

Chapter 32.06. UNIFORM PARTNERSHIP ACT (selected excerpts)

Sec. 32.06.201. Partnership as entity.

- (a) A partnership is an entity distinct from its partners.
- (b) A limited liability partnership continues to be the same entity that existed before the filing of a statement of qualification under [AS 32.06.911](#).

Sec. 32.06.202. Formation of Partnership.

- (a) Except as otherwise provided in (b) of this section, the association of two or more persons to carry on as co-owners a business for profit forms a partnership, whether or not the persons intend to form a partnership.
- (b) An association formed under a statute other than this chapter, a predecessor statute, or a comparable statute of another jurisdiction is not a partnership under this chapter.
- (c) In determining whether a partnership is formed, the following rules apply:
 - (1) joint tenancy, tenancy in common, tenancy by the entirety, joint property, common property, or part ownership does not by itself establish a partnership, even if the co-owners share profits made by the use of the property;
 - (2) the sharing of gross returns does not by itself establish a partnership, even if the persons sharing them have a joint or common right or interest in property from which the returns are derived;
 - (3) a person who receives a share of the profits of a business is presumed to be a partner in the business, unless the profits are received in payment
 - (A) of a debt by installments or otherwise;
 - (B) for services as an independent contractor, or of wages or other compensation to an employee;
 - (C) of rent;
 - (D) of an annuity or other retirement or health benefit provided to a beneficiary, representative, or designee of a deceased or retired partner;
 - (E) of interest or other charge on a loan, even if the amount of payment varies with the profits of the business, including a direct or indirect present or future ownership of the collateral, or rights to income, proceeds, or increase in value derived from the collateral; or
 - (F) for the sale of the good will of a business or other property by installments or otherwise.

Sec. 36.30.170. Contract award after bids.

- (a) Except as provided in AS 36.30.175 and (b) - (h) of this section, the procurement officer shall award a contract based on the solicited bids with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set out in the invitation to bid.
- (b) The procurement officer shall award a contract based on solicited bids to the lowest responsive and responsible bidder after an Alaska bidder preference of five percent, an Alaska products preference as described in AS 36.30.322 - 36.30.338, and a recycled products preference under AS 36.30.337 have been applied. In this subsection, "Alaska bidder" means a person who
- (1) holds a current Alaska business license;
 - (2) submits a bid for goods, services, or construction under the name as appearing on the person's current Alaska business license;
 - (3) has maintained a place of business within the state staffed by the bidder or an employee of the bidder for a period of six months immediately preceding the date of the bid;
 - (4) is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state, is a limited liability company organized under AS 10.50 and all members are residents of the state, or is a partnership under former AS 32.05, AS 32.06, or AS 32.11 and all partners are residents of the state; and
 - (5) if a joint venture, is composed entirely of ventures that qualify under (1) - (4) of this subsection.
- (c) Except as otherwise provided under (e) or (f) of this section, if a bidder qualifies under (b) of this section as an Alaska bidder, is offering services through an employment program, and is the lowest responsible and responsive bidder with a bid that is not more than 15 percent higher than the lowest bid, the procurement officer shall award the contract to that bidder. This subsection does not give a bidder who would otherwise qualify for a preference under this subsection a preference over another bidder who would otherwise qualify for a preference under this subsection.
- (d) The procurement officer shall award an insurance-related contract based on solicited bids to the lowest responsive and responsible bidder after an Alaska bidder preference of five percent. In this subsection, "Alaska bidder" means a person who meets the criteria set out in (b)(1) - (5) of this section and who is an Alaska domestic insurer.
- (e) If a bidder qualifies under (b) of this section as an Alaska bidder, is a qualifying entity, and is the lowest responsible and responsive bidder with a bid that is not more than 10 percent higher than the lowest bid, the procurement officer shall award the contract to that bidder. This subsection does not give a bidder who would otherwise qualify for a preference under this subsection a preference over another bidder who would otherwise

qualify for a preference under this subsection or (f) of this section. In this subsection, "qualifying entity" means a

- (1) sole proprietorship owned by a person with a disability;
- (2) partnership under former AS 32.05, AS 32.06, or AS 32.11 if each of the partners is a person with a disability;
- (3) limited liability company organized under AS 10.50 if each of the members is a person with a disability; or
- (4) corporation that is wholly owned by individuals and each of the individuals is a person with a disability.

(f) If a bidder qualifies under (b) of this section as an Alaska bidder, if 50 percent or more of the bidder's employees at the time the bid is submitted are persons with a disability, and if the bidder is the lowest responsible and responsive bidder with a bid that is not more than 10 percent higher than the lowest bid, the procurement officer shall award the contract to that bidder. The contract must contain a promise by the bidder that the percentage of the bidder's employees who are persons with a disability will remain at 50 percent or more during the contract term. This subsection does not give a bidder who would otherwise qualify for a preference under this subsection a preference over another bidder who would otherwise qualify for a preference under this subsection or (e) of this section.

(g) The Division of Vocational Rehabilitation in the Department of Labor and Workforce Development shall add to its current list of qualified employment programs a list of individuals who qualify as persons with a disability under (e) of this section and of persons who qualify under (f) of this section as employers with 50 percent or more of their employees being persons with disabilities. A person must be on this list at the time the bid is opened in order to qualify for a preference under (e) or (f) of this section.

(h) A preference under (c), (e), or (f) of this section is in addition to any other preference for which the bidder qualifies, including the preference under (b) of this section; however, a bidder may not receive a preference under both (c) and (e), (c) and (f), or (e) and (f) of this section for the same contract.

(i) This section applies to all insurance contracts involving state money. In this subsection, "state money" includes state grants and reimbursement to municipalities, school districts, and other entities.

(j) In order to qualify for a preference under (c), (e), or (f) of this section, a bidder must add value by actually performing, controlling, managing, and supervising the services provided, or a bidder must have sold supplies of the general nature solicited to other state agencies, governments, or the general public.

(k) In this section, "person with a disability" means an individual

- (1) who has a severe physical or mental disability that seriously limits one or more functional capacities in terms of employability; in this paragraph, "functional capacities"

means mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills;

(2) whose physical or mental disability

(A) results from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders, paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning disability, or end stage renal disease; in this subparagraph, "neurological disorders" include stroke and epilepsy; or

(B) is a disability or combination of disabilities that are not identified in (A) of this paragraph and that are determined on the basis of an evaluation of rehabilitation potential to cause substantial functional limitation comparable to a disability identified in (A) of this paragraph; and

(3) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

AS 36.30.990 Definitions

(11) "employment program" means a nonprofit program to increase employment opportunities for individuals with physical or mental disabilities that constitute substantial barriers to employment;

Sec. 40.25.110. Public records open to inspection and copying; fees.

(a) Unless specifically provided otherwise, the public records of all public agencies are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of the fee established under this section or [AS 40.25.115](#) a certified copy of the public record.

(b) Except as otherwise provided in this section, the fee for copying public records may not exceed the standard unit cost of duplication established by the public agency.

(c) If the production of records for one requester in a calendar month exceeds five person-hours, the public agency shall require the requester to pay the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and copying tasks. The requester shall pay the fee before the records are disclosed, and the public agency may require payment in advance of the search.

(d) A public agency may reduce or waive a fee when the public agency determines that the reduction or waiver is in the public interest. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated. A public agency may waive a fee of \$5 or less if the fee is less than the cost to the public agency to arrange for payment.

(e) Notwithstanding other provisions of this section to the contrary, the Bureau of Vital Statistics and the library archives in the Department of Education and Early Development may continue to charge the same fees that they were charging on September 25, 1990, for performing record searches, and may increase the fees as necessary to recover agency expenses

on the same basis that was used by the agency immediately before September 25, 1990. Notwithstanding other provisions of this section to the contrary, the Department of Commerce, Community, and Economic Development may continue to charge the same fees that the former Department of Commerce and Economic Development was charging on July 1, 1999, for performing record searches for matters related to banking, securities, and corporations, and may increase the fees as necessary to recover agency expenses on the same basis that was used by the former Department of Commerce and Economic Development immediately before July 1, 1999.

(f) Notwithstanding other provisions of this section to the contrary, the Board of Regents of the University of Alaska may establish reasonable fees for the inspection and copying of public records, including record searches.

(g) Notwithstanding other provisions of this section to the contrary, the board of directors of the Alaska Railroad Corporation may establish reasonable fees for the inspection and copying of public records, including record searches.

(h) Notwithstanding other provisions of this section to the contrary, the judicial branch may establish by court rule reasonable fees for the inspection and copying of public records, including record searches.

(i) Electronic information that is provided in printed form shall be made available without codes or symbols, unless accompanied by an explanation of the codes or symbols.

Sec. 40.25.120. Public records; exceptions; certified copies.

(a) Every person has a right to inspect a public record in the state, including public records in recorders' offices, except

(1) records of vital statistics and adoption proceedings, which shall be treated in the manner required by AS 18.50;

(2) records pertaining to juveniles unless disclosure is authorized by law;

(3) medical and related public health records;

(4) records required to be kept confidential by a federal law or regulation or by state law;

Please refer to the Division of General Services website: <http://doa.alaska.gov/dgs/> for a copy of the most recent Application of Preferences.